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ABSTRACT

The purpose of this practicum was to develop an educational presentation in collective bargaining for the faculty, administration, and board of trustees at Pensacola Junior College. The report includes the background of collective bargaining in post secondary education, the status of collective bargaining in Florida under the recently enacted Florida Public Employee Relations Act, and a comparison between the Florida and Michigan experiences in collective bargaining. The procedure involved developing the educational materials (a summary of the Florida Public Employee Relations Act, a summary of the Public Employees' Relations Commission, and an outline of How Collective Bargaining Works) and implementing the program (one-hour presentations followed by open discussions in the academic division). Consensus of the participants was that the materials were informative and that they increased general understanding about collective bargaining. It is recommended that these materials be shared with other Florida community colleges in order to promote better understanding of collective bargaining with the aim of making better decisions in this area of concern. The materials are appended. (Author/RL)

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A PLAN TO PROVIDE EDUCATION IN COLLECTIVE BARGAINING FOR COMMUNITY COLLEGE PERSONNEL AT PENSACOLA JUNIOR COLLEGE

By

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Pensacola Junior College

Pensacola, Florida

A Study for NOVA University

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ABSTRACT

A Plan to Provide Education in
Collective Bargaining for Community
College Personnel at Pensacola Junior College

by

A. Douglas Worley

The purposes of this study were to develop an educational presentation on collective bargaining for Pensacola Junior College faculty members, administrators, and board of trustee members; to develop appropriate educational materials for this presentation; to secure approval from the college administration for the implementation of this program; and to present the program and test reactions to it in selected academic departments.

A study was made of the possible impact on Florida community colleges of the recently enacted Florida Public Employee's Relations Act. The status of collective bargaining in post-secondary education was reviewed with a comparison of historical activity in the state of Michigan and the likely impact in Florida. Educational materials on collective bargaining were developed to be disseminated to the faculty members during one-hour presentations in departmental faculty meetings. These materials included a summary of the Florida Public Employee's Relations Act, a summary of the Regulations of the Public Employee's Relations Commission, and an outline on how collective bargaining is conducted.

The policy was adopted to allow a free and open discussion of collective bargaining and to provide education in collective bargaining to faculty and staff members through a series of one-hour presentations during departmental faculty meetings. Presentations were given to a meeting of all academic department heads and to ten academic departments which included 168 faculty

members. The consensus of the participants was that the meetings provided a better understanding of collective bargaining and facilitated constructive dialogue on collective bargaining among faculty members.

The intent of this project was to provide a better understanding of collective bargaining on the part of faculty and staff members so that confusion and misunderstandings might be reduced and, as a result, better decisions might be made in this extremely important area of concern.

CHAPTER I

INTRODUCTION

With the passage into law in 1974 of the Florida Public Employees' Relations Act, Florida's public employees are moving into the arena of collective bargaining. Because the State of Florida has historically had little experience in collective bargaining there is considerable confusion concerning the direction of efforts in this regard. Florida has not had the extensive industrial experience of many other states which has prepared them, to some extent, for the advent of public employee collective bargaining. The State of Michigan, for example, which enacted legislation for public employee collective bargaining in 1965, had extensive experience in private sector bargaining prior to that time. However, even with this expertise, the Michigan educational systems experienced considerable difficulty as evidenced by the heavy mediation caseload during the early years. (Carr and Van Eyck, 1973, p. 243) How much more difficult will the Florida experience be without this expertise?

Florida's public schools and colleges would benefit greatly from carefully prepared state policies governing collective bargaining activity, but other than the rules and procedures of the newly created Public Employees' Relations Commission, no effort is being made to establish policies. The Florida State Department of Education has adopted a position of neutrality in this area and is leaving all policy decisions up to the individual school systems and college governing boards. With the absence of policy direction, the various governing boards are adopting a wide variety of approaches to the problem.

There are twenty-eight public Florida community colleges, each serving a district comprised of one or more counties, several with multiple campuses. The presidents of these colleges have met on several occasions to discuss the probable impact of collective bargaining on their campuses, but have not been willing to recommend overall state policy on the subject. In the absence of a consensus on the subject, the presidents have decided that each community college will develop its own policies and approaches to the area. While this approach has the disadvantages of allowing union organizers to organize one college at a time and to use the whipsaw technique in negotiations, it does allow each college district to develop policies which reflect the attitudes of its constituents.

Unfortunately, the faculties of these twenty-eight community colleges generally have little knowledge about collective bargaining and are confused by the propaganda distributed by union organizations and statements by administrations which contradict this propaganda. This problem is made more severe by the fact that the majority of these college administrations have adopted the posture of avoiding the subject until activity occurs and then reacting to that activity. To adopt this approach is a serious mistake. Under this approach the advent of collective bargaining on the community college campus could easily lead to an imbalance of power, a concentration on one side, presumably that side which prepared and initiated the process. If this should occur, it may be because those who receive the impact do not know how to react or may be ill-equipped to do so. It is essential that faculties and administrations be prepared so that the subject may be handled with confidence and mutual understanding. The best way for faculties and administrations to approach the impact of collective bargaining is to prepare in advance by becoming knowledgeable in the subject so that serious and intelligent dialogue might result in

policies and plans which will be in the best interest of each college involved.

Therefore, the purposes of this practicum are to develop an objective educational presentation on collective bargaining for Pensacola Junior College faculty members, administrators, and board of trustee members; to develop appropriate materials for this presentation; to secure approval from the college administration for the implementation of this program; and to present the program and test reaction to it in selected academic departments.

The adoption of a policy promoting education in collective bargaining prior to active organizational efforts and implementing this program should provide the basis for a better understanding of the new collective bargaining legislation, regulations, terminology, practices, and procedures. This educational program may not reduce collective bargaining activity on the Pensacola Junior College campus, but at least everyone involved will be better able to anticipate the results of such activity and the transition, if required, will be easier for all concerned.

CHAPTER II

BACKGROUND AND SIGNIFICANCE

Growth of Collective Bargaining in Education

In a report of the Education Commission of the States (1972), the authors stated that "among the multitude of problems that beset higher education and the myriad changes that confront it, no single item seems to portend more controversy that that likely to be generated by the emergence of collective bargaining."

Collective bargaining in education is a relatively recent development. It had its beginning no more than fifteen years ago when a small group of public school teachers in New York City successfully received recognition and negotiated a contract. In the late sixties, the move to unionize public school teachers rapidly accelerated, and today some 29 states have such legislation. Collective bargaining has taken a strong hold in the public schools in these states (Pierce, 1972). In post-secondary education, faculty collective bargaining is a more recent phenomenon, but is growing very rapidly. In April of 1973 there were 22 states which had post-secondary faculty bargaining, involving 194 institutions and nearly 79,000 faculty members. This number includes 144 two-year colleges with nearly 21,000 faculty members included in bargaining (Tice, 1973). The state with the largest number of two-year colleges under collective bargaining is Michigan with 26 colleges involved. New York State has 25 two-year colleges involved, Washington has 22, Wisconsin has 16, Illinois and New Jersey have 13, Pennsylvania and Kansas have 8, Massachusetts has 3, and of the other 8 states with collective bargaining, each has only one two-year college involved (Tice, 1973). The trend toward collective

negotiations is accelerating, demonstrated by the fact that only one-third of the private sector labor force has been unionized in the 37 years since the passage of the Wagner Act while almost that same fraction in public education has already taken a union-line stance in only fifteen years (Education Commission of the States, 1974). The rapidity of the pace strongly suggests that the time for reaction to the phenomenon is limited.

In an attempt to determine the effects of collective bargaining in two-year colleges, a study was made by Blackburn (1972), who concluded that faculty participation in the governance of the institutions studied has been significantly advanced by collective bargaining. The author attempted to explain this success by stating that, traditionally, faculty in two-year colleges have had virtually no say in most of the essential policy decisions of their institutions (Blackburn, 1972). Dr. Belle Zeller, the president of the Professional Staff Congress at CUNY (1975), stated that faculties organize to raise their professional and economic status, to protect their collective and individual rights, and to protect the educational quality of their institutions.

A more objective report made by The Carnegie Commission on Higher Education (1973) stated that faculty interest in collective bargaining stems from six major concerns.

- Faculty salaries are rising slowly; real income, in some instances, has actually been reduced.
- Budgetary support for faculty interests is much harder to obtain.
- More efforts are being made to control conditions of employment, such as workload.
- Students have intruded into what was once faculty preserves for decision making.
- External authorities, outside the reach of faculty influence, are

making more of the decisions that affect the campus and the faculty.

- Policies on promotion and tenure are more of an issue as the rate of growth of higher education slows down and women and minority groups compete more actively for such opportunities as exist.

These concerns intensify the attention now being given to collective bargaining as many more states are showing interest in legislation to support public employee bargaining. The Carnegie Commission Report (1973) reported that sentiment for unionization is strongest in the community colleges and in the more specialized comprehensive colleges that are closest to teachers at the secondary and primary levels.

These statements and others quoted earlier reflect the growing impact of collective bargaining on the community college. This impact profoundly affects the overall philosophy of the community college movement as well as the area of policy planning and formulation at national, state and local levels.

Although this movement toward collective bargaining is obviously accelerating, there is still time for most community colleges to consider the extent of its usefulness in college governance. For example, a study by Carr and Van Eyck (1973) indicates that the results of bargaining have been less significant than many observers predicted. According to their study, the gains and the cost of these gains has not had a significant impact. However, collective bargaining gains will probably be more significant as more campuses organize.

As late as it is, there is still time for those states who are now already deep into this collective bargaining process to evaluate the basic philosophy and policies governing the community college environment so that the state agencies and local colleges may be prepared to confront this phenomenon.

The Status of Collective Bargaining in Florida

In the state of Florida during the 1974 session of the Legislature, the Public Employees' Relations Act was enacted into law. A summary of this law is contained in Appendix A. This legislation was prompted by the fact that the 1968 Revised Florida Constitution guaranteed collective bargaining for public employees and because of pressure from the Florida Supreme Court to enact rules for collective bargaining or the Court would establish them.

The Florida Law also established the Public Employees' Relations Commission to develop regulations needed to implement the law and to handle problems or disputes resulting from collective bargaining activities. The regulations for the commission were adopted after a series of public hearings and were fully implemented on December 16, 1974. Appendix B contains a summary of these regulations. The Public Employees' Relations Commission consists of five commissioners appointed by the governor. One of these commissioners is the chairman, who is the only full-time member of the Commission. It is interesting to note that two of the commissioners are from other states, presumably because there were not enough qualified people in Florida with experience in dealing with these matters. One of these members is from Pennsylvania and the other is from Michigan, two states which are active in public collective bargaining.

Under the new law, in order for an organization to request employer recognition in Florida, it must first be registered with the Commission. At present, only four community college organizations have registered and none has yet been certified as a bargaining agent (Florida Public Employee Reporter, 1975). This small number may not show a lack of interest, but probably indicates that post-secondary faculties in Florida have little understanding of collective bargaining and are not acting until they know more about the process. As one might expect, the elementary-secondary

systems are actively involved in organizational development and several school systems are involved in contract negotiations. Some of this activity may spill over into the community college institutions.

The Florida State Department of Education has adopted a position of neutrality in collective bargaining matters and is not at this time planning state-wide policies in this area. The Community College Presidents' Council, which is composed of all the college presidents of the twenty-eight public community colleges, has held several meetings concerning collective bargaining and has attempted to develop a consortium to effectively deal with the matter; however, the presidents have decided that each institution will develop its own policies and those so inclined will employ their own "resident experts" on the subject. Many of the community colleges have assigned individuals to handle collective bargaining matters and lead in the development of policies in matters pertaining to collective bargaining. Pensacola Junior College assigned the Dean of Personnel Affairs to this area and has adopted the policy of providing an educational program in collective bargaining for the faculty and staff so that each individual in the institution will be prepared to intelligently confront the issue.

It would be significantly better if the state community college system would develop a set of clear policies governing collective bargaining activity so that actions of the various institutions might be reasonably consistent. Florida is one of those states which has a highly decentralized community college structure and will probably experience significant difficulty with collective bargaining because of whipsawing between institutions.

A Comparison Between Florida and Michigan's Experience

A brief examination of the state of Michigan's experience in collective bargaining will help to put the Florida picture into better perspective. Florida is just beginning in this area while Michigan has been

involved since 1965.

In Michigan, public school teachers in Detroit and other nearby industrial communities began to collectively bargain in the mid-1960's as a comprehensive public employment relations act was passed in 1965 and by February 1966, bargaining agents had been designated in more than four hundred school districts (Carr and Van Eyck, 1973). Collective bargaining quickly moved from the public schools to the two-year community colleges, first in the Detroit area and then in all parts of Michigan. By 1970, agreements were in effect at twenty of the twenty-six public community colleges in the state (Faculty Contract Analysis for 1970-71). Recent union activity in Michigan has been at a consistently high rate for several years. Only in New York does a state employment relations commission handle a higher volume of work. In 1971, there were about three thousand bargained agreements in effect (Tice, 1973, p. 203). However, the caseload in the Michigan Employment Relations Commission's Mediation Division did drop significantly from 1970-71 to 1971-72, probably due to the development of expertise on the part of employers and employees in collective bargaining issues. After an extensive study of collective bargaining in Michigan, Carr and Van Eyck (1973, p. 243) concluded that, in Michigan, the faculties of the twenty-six community colleges that are engaging in collective bargaining have won substantial salary gains. In Michigan, as is now true in Florida, each community college negotiates with the organization which is elected to represent that faculty. Michigan has twenty-six public community colleges; Florida has twenty-eight. Each of the community colleges in Michigan and Florida bargain separately with the faculty organizations involved. Michigan enacted collective bargaining legislation in 1965, nine years before Florida, and had the advantage of extensive private sector bargaining prior to that time. This private sector experience probably contributed to the rapid growth of collective bar-

gaining in Michigan. Also this private sector experience assisted the Michigan school systems in establishing rather comprehensive policies governing bargaining activity. Florida is not as industrialized, had little previous union experience, and gives the impression of being reluctantly dragged into the collective bargaining arena.

The experience in Michigan where the elementary and secondary school faculties quickly accepted collective bargaining will probably be repeated in Florida, especially due to the very strong influence in Florida schools of the National Education Association and the American Federation of Teachers. In Michigan, the two-year colleges were the next group to accept collective bargaining and did so quite quickly. A study of the growth of collective bargaining in other states reveals a similar pattern to that in Michigan. This may not be duplicated in Florida because the community college system is more closely alligned with higher education where in Michigan the community colleges are considered almost extensions of the secondary system. Compared to the Michigan experience, Florida has one clear disadvantage. Because of the lack of experience in collective bargaining, the scarcity of expertise on the management side, and the availability of expert assistance to the faculty organizations, the first bargained agreements will probably very strongly favor the employee groups. The additional tax funds required to support these agreements may pressure legislators to attempt to equalize the bargaining by more restrictive legislation.

The United States House of Representatives Special Subcommittee on Labor has been conducting hearings on two collective bargaining bills and it is highly probable that federal legislation will soon be enacted which will provide for collective bargaining in all the states that will supercede all state statutes on the subject. From an evaluation of the conduct of the hearings, it appears that this committee may recommend favorable action

on comprehensive legislation (Hearings before the Special Subcommittee on Labor, 1974). This federal legislation will have the positive effect of providing consistency in public sector bargaining. This legislation may include the right to strike, which could pose problems in some public employment areas. Usually, state laws governing collective bargaining prohibit strikes by public employees.

If the public community colleges in Florida, as well as other state institutions and agencies, are going to prepare to meet this emerging challenge, they must develop internal policies which will allow consistency and a clear understanding of guidelines for organizational activity and collective bargaining. Community colleges must also employ competent individuals with good knowledge and background in collective bargaining so that ability across the bargaining table will at least be equal. If policy planning and formulation is not completed very soon, it will be too late and considerable confusion and difficulty will be the result.

CHAPTER III

PROCEDURES

Program Development

It was decided that the plan for presenting collective bargaining information was to be a one-hour program conducted in each department of the college so that having the smaller groups involved would facilitate more open and active discussion. Also, each department would likely have a slightly different interest in the subject matter. Appropriate materials were prepared for distribution in the departmental meetings.

Prior to the departmental presentations, the program was to be presented in a meeting of all of the academic administrators of the college so that they might have input into the program planning. Department chairmen were to be encouraged to discuss collective bargaining with their faculty members and to request that the information be presented in departments where interest was shown. It was felt that allowing departments to request this information would help to avoid the impression that the college administration was pressing its own view on the subject.

The justification for conducting this educational program was presented at a meeting of the top echelon administrators. This justification was taken from the information contained in the Introduction section of this practicum and emphasized the point that the proposed educational program would reduce the confusion and uncertainty of faculty members concerning collective bargaining and thereby reduce the dissemination and acceptance of erroneous information and rumor.

Development of Materials

The following materials were developed to be used in the educational

program for faculty and staff members.

- A summary of the Florida Public Employees' Relations Act (Appendix A)
- A summary of the Regulations of the Public Employees' Relations Commission (Appendix B)
- An outline on How Bargaining Works (Appendix C)

These materials were presented and discussed in a meeting of the academic administrators. The materials and method of presentation were revised as a result of suggestions made during and after this meeting.

Program Presentation Plan

The program was developed to present the materials and allow time for discussion within the one-hour time limitation of most departmental faculty meetings at Pensacola Junior College.

The program plan consisted of the following:

- The following materials were distributed: A Summary of the Florida Public Employees' Relations Act (Appendix A); A Summary of the Regulations of the Public Employees' Relations Commission (Appendix B); and How Bargaining Works (Appendix C).
- A brief history of collective bargaining in post-secondary education was presented. This information is contained in Chapter II.
- The current status of collective bargaining in Florida was presented. This information is contained in Chapter II.
- Each item in the Summary of the Florida Public Employees' Relations Act was reviewed.
- A brief explanation was given concerning the Regulations of the

Public Employees' Relations Commission, but there was no item by item discussion.

- An explanation of how collective bargaining is conducted in a post-secondary institution was presented following the outline contained in Appendix C.
- Questions and comments were invited throughout the presentation and additional time was given for this purpose after the presentation.

CHAPTER IV

RESULTS

As a result of the meeting with the president and vice presidents where the justification for the educational program was presented, the policy was adopted which encouraged the development of this program as well as more open discussion of collective bargaining. This policy change becomes more significant when it is realized that it is not unusual for college administration to so actively oppose collective bargaining that even discussion of the subject is discouraged.

Following this policy change, the collective bargaining educational program was presented to the academic administrators, primarily deans and department heads. During this one-hour session the deans and department heads asked numerous questions about collective bargaining and demonstrated that there existed significant interest in the subject as well as a general lack of understanding concerning collective bargaining. The consensus of this group was that this new policy approach to the dissemination of collective bargaining information was significantly better than the policy approach of waiting for activity to occur before responding. This group also concluded that the materials and presentation were adequate and they encouraged the further implementation of this educational plan. Department heads were encouraged to speak to their faculties about the presentation and to request future departmental meetings for it if the faculty members involved requested them.

Ten of the twenty-one academic departments were involved in the initial phase of this project with 168 faculty members participating in the presentations and discussions. Most of the faculty members involved indicated that

the sessions were helpful and that they were able to make a better determination of the usefulness of collective bargaining for Pensacola Junior College. Many faculty members expressed that, because of their earlier lack of understanding of collective bargaining, they were not able to evaluate the difference between possible college governance under collective bargaining and the present system of governance. Without this basic understanding, these faculty members were passive and silent on the subject. As a result of the presentations, many faculty members stated that they now felt competent to openly discuss the subject and conduct further investigations of available informative materials.

As a result of the apparent success of this project, Pensacola Junior College will continue the policy of free and open discussions concerning collective bargaining and extend the educational program to include all of the employees of the college, as well as the College Board of Trustees. Sessions are planned for the classified employees to participate in similar discussions in the near future. A session is also scheduled for the College Board of Trustees so that the individuals who comprise this board will understand and avoid unfair labor practices, anticipate activity which may occur, and be better able to evaluate information and propaganda concerning collective bargaining.

It will be extremely difficult to objectively evaluate the extent of the success of this project. Most administrators and many faculty members will consider the project successful if collective bargaining is avoided as a result of a better understanding of its governance implications, while many others will feel that the project is successful if an easy transition to collective bargaining can be achieved. This project should help accomplish one or the other of these alternatives. The reaction of the participants involved thus far indicates that the project is accepted well by faculty members and a more informed level of dialogue seems to be a valid result.

CHAPTER V

RECOMMENDATIONS

Most of the recommendations made during this study have already been put into effect. The major recommendation was that Pensacola Junior College initiate the policy of providing an educational program for collective bargaining for the Board of Trustees, administration, faculty members and staff personnel prior to active organizational activity. This policy recommendation was accepted and is currently being implemented.

The materials which were recommended were developed and appear to be adequate. It is recommended that they be further revised as a result of faculty input during the presentations. It was recommended that one person be given the responsibility for providing information concerning collective bargaining and developing and presenting an educational program. This responsibility was assigned to the Dean of Personnel Affairs.

It is recommended that free and responsible dialogue concerning collective bargaining be encouraged so that rumor and uncertainty may be reduced. Care should be taken to prevent infringement on any faculty member's rights or the effective operation of the institution.

It is also recommended that the results of this project be provided to the other Florida community colleges so that they may evaluate this approach against their current policy on the subject.

Another study should be made in the future to evaluate the degree of difficulty encountered in collective bargaining involvement among Florida community colleges as compared to the policy approach taken by each institution in the area of free and open discussion and faculty and staff education in the subject.

As stated earlier, this project has already made an impact on the approach to collective bargaining at Pensacola Junior College and will probably have a strong influence on the future of collective bargaining at this institution.

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APPENDIX A

SUMMARY OF
FLORIDA PUBLIC EMPLOYEES RELATIONS ACT

The 1974 Florida Legislature enacted into law the Public Employees Relations Act which allows public employees to organize and bargain collectively. This law was fully implemented on December 16, 1974.

The following is a brief summary of this law. The law:

1. Allows public employees the right to organize for the purpose of collective bargaining. (Also the right not to.)

2. Defines the junior college board of trustees as the employer of junior college employees for bargaining under the law.

3. Creates the Public Employees Relations Commission (PERC) to administer the provisions of the law.

   a. PERC has five members appointed by the Governor. The chairman is the only full-time member.

   b. PERC establishes rules and regulations to enforce the law. These regulations were implemented on December 16, 1974.

4. Does not allow strikes. This is defined as any activity which disrupts or hinders to coerce a change.

5. Excludes management from the bargaining unit.

6. Allows the employer to deduct dues for each employee who submits a signed card of authorization.

7. Defines the steps in organizing a bargaining unit.

   a. The organization registers with PERC by:

      (1) Filing a copy of their constitution and by-laws and the national affiliate by-laws (if any) with PERC.

      (2) Filing a current and annual financial report.

      (3) Submit $15 registration fee.

   b. After registration, the organization may ask for employer recognition (by a 30 percent showing of interest).

   c. Recognition by the employer is based on the appropriateness of the unit for collective bargaining and acceptance of the organization by a majority of the employees in the unit. An election is usually required to determine which organization (if any) will represent the employees.

   d. When recognized by the employer or elected, the organization petitions PERC for certification.

e. When certified, the organization becomes the official bargaining agent for all of the employees in the unit. No unit containing both professional and non-professional employees will be certified unless the majority of both vote to do so.

8. Defines the bargaining process.

   a. The organization bargaining agent bargains collectively with the chief executive officer of the employer (the president or his agent) until an agreement is reached.

   b. The agreement must be ratified by the employer (board of trustees) and by the majority of the members in the bargaining unit.

   c. If the agreement is not ratified by both, there is a return to bargaining.

   d. No agreement may extend beyond three years.

   e. If provisions in the agreement conflict with State law or State policy, those provisions are not effective until the law or policy is changed to allow them.

   f. If the Legislature does not appropriate adequate funds for the agreement, the agreed amount is reduced proportionately.

9. Provides that a grievance procedure shall be established to settle disputes between the employer and employees in the interpretation or application of the agreement. Binding arbitration is allowed in the settlement of a grievance.

10. Establishes a time limit on negotiations without agreement and declares an impasse if agreement is not reached within that time. When there is an impasse:

    a. A mediator may be selected to assist in settlement.

    b. If the mediator is unable to resolve disagreement, a special master will be appointed by PERC.

    c. If the special master is unable to resolve the disagreement, the Legislative body will decide the issue.

11. Defines unfair labor practices.

    a. By the employer

       (1) Interfering with the employees right under the law.

       (2) Encouraging or discouraging membership in an organization for collective bargaining.

       (3) Refusing to bargain collectively or in good faith.

       (4) Discriminating against employees because they filed charges of unfair labor practice.

(5) Interfering in the affairs (for or against) of the employee organization.

(6) Refusing to discuss grievances.

b. Employee organization unfair practices.

(1) Restraining or coercing employees in any area under the law.

(2) Attempting to cause employer discrimination regarding conditions of employment.

(3) Refusing to bargain collectively or in good faith.

(4) Discriminating against any employee for any action in proceedings under unfair labor practices.

(5) Participating in or supporting a strike against the employer.

12. Establishes the procedures for the handling of unfair labor practices charges. PERC will hear the evidence and make the determination. The district court of appeals will review.

13. Establishes the procedures for handling strikes. The circuit court will hear suits from employer or PERC and issue temporary injunction or initiate contempt proceedings, if needed.

14. Prohibits employee organizations from soliciting employees or distributing literature during working hours or attempting to secure student support during class time.

APPENDIX B

SUMMARY OF PUBLIC EMPLOYEE RELATIONS
COMMISSION (PERC) REGULATIONS

PART 1: Definitions

1. This part defines the terms included in the regulations.

PART 2: Certification by Recognition

1. Employee organizations must be registered with PERC before contacting the employer for recognition.

2. The employer must be satisfied that unit is appropriate and had majority status.

3. If satisfied, the employer provides a written acknowledgement of recognition to the organization and posts this acknowledgement to apprise employees.

4. The registered employee organization who recieved recognition must file a recognition-certification petition with PERC requesting certification.

5. Intervention is allowed by any registered organization.

6. PERC will review the petition and may hold public hearing.

7. If PERC decides that the unit is appropriate, it shall certify the organization as the exclusive bargaining representative for all employees in the unit.

PART 3: Certification by Secret Ballot

1. A Petition for Certification form may be filed to PERC by any organization who is registered requesting a secret ballot election to determine if it should be certified.

2. No such petition may be filed within eleven months of the beginning of a valid representation election covering any of the employees in a proposed unit. If an existing agreement covers any of the employees in a proposed unit, a petition may be filed only during the 150 to 90 days preceeding the expiration of the agreement.

3. The petition must show proof of at least 30% showing of interest supporting certification.

4. Any registered organization not named in the original petition may file

a motion to intervene and submit its own petition for certification with a 10% showing of interest. (Within 15 days of the other organization filing)

5. A Petition for Decertification may be filed by an employee, group, or the employer involved who feels that the representative organization no longer represents the majority in the unit.

6. The Petition for Decertification may not be filed within eleven months of a valid representation election. It may be filed 150 to 90 days before the expiration day of a current agreement. It must be accompanied by proof of a 30% showing of interest in a decertification election.

7. A Petition for Clarification of Bargaining Unit or a Petition for Amendment of Certification may be filed with PERC by a certified organization or by the employer. Copies must be simultaneously served on the other party.

8. A Consent Election Agreement may be entered into by the employer, the petitioning organization, and intervening organizations requiring the consent of PERC chairman; this waives the right to any pre-election hearing. The unit must be mutually agreed upon. The chairman makes all post-election rulings.

9. The PERC chairman directs an investigation of the Petition for Certification or Decertification to determine agreement on the unit and pertinent questions. If in order, the chairman attempts to secure a consent for election agreement. If no consent for election, the chairman shall order a hearing.

10. The chairman may resolve issues involving a Petition for Clarification. A party may, within ten days of the decision, ask for a hearing. After the hearing, the commission makes a final decision.

11. The Hearing on Certification shall be open to the public. Any party may file a motion to intervene. Parties may apply for subpoena of witnesses. After the hearings, the hearing officer will transmit a record of the hearings to PERC. Parties may review the records.

12. PERC evaluates the record and issues a decision to hold a secret ballot election or to dismiss the petition.

13. PERC issues a Notice of Election specifying the election, time, place, who may vote, and other pertinent information. The employer posts the notice ten days before the election.

14. The employer files with PERC an Election Eligibility List of all names and addresses of eligigle voters within ten days of election decision.

15. All elections shall be conducted by an agent designated by PERC. Absentee ballots are permitted; no more than two observers for each party are allowed. Objections to the election may be filed within five days of the tally and must be served on all parties. Answers to objections may be filed within five days of the objections. The cost of elections is shared between the parties.

16. A runoff election shall be ordered by PERC when no party receives a majority of the votes cast. Only one runoff election may be held.

PART 4: Unfair Labor Practices

1. A charge may be filed with PERC (in writing) within six months of the occurrence by one or more employees, employee organization, or the employer.

2. The General Counsel will designate an agent to investigate the charges and then will review the evidence and either dismiss the charge or issue a complaint.

3. The Unfair Labor Practice Complaint will be served on all parties involved and may be amended by the General Counsel prior to the hearing. A hearing will be conducted before a designated Hearing Officer after ten days.

4. Each respondent will file with PERC an answer to the complaint, within ten days, and serve copies on others involved.

5. Other parties, not named in the complaint, may be allowed to intervene by the Hearing Officer.

6. In presenting the case, the General Counsel may present all the evidence in support of the allegations, but the burden of proof is on the charging party. Hearings are open to the public; subpoenas may be issued by the Hearing Officer.

7. After the hearings, the Hearing Officer will submit a complete record with his analysis to PERC. All parties may review this record and file briefs to support their cases.

8. PERC evaluates the record and resolves the dispute.

9. The General Counsel may, at his own discretion, postpone a hearing and allow arbitration instead, and then review the results of the arbitration to determine acceptability.

PART 5: Impasse Resolution Procedures

1. The parties may select their own Mediator. Neither PERC nor the Mediator has the power of compulsion.

2. When parties begin negotiations, the initiator must inform PERC that negotiations have begun. This notification must be at least 90 days prior to budget submission. All parties must receive notice.

3. PERC forwards a copy of the notice to the Federal Mediator and Conciliation Service (FMCS). FMCS may assign a Commissioner to inquire about the status of negotiations and offer service. FMCS may, at its discretion, provide mediation service. If FMCS declines, PERC may, with the request of the parties, select a Mediator. PERC maintains a Panel of Mediators to use whenever FMCS declines to assert jurisdiction.

4. Any information disclosed by the parties to the Mediator is confidential as are all records, papers, and files.

5. The party requesting mediation is responsible for the expenses of the Mediator.

6. If an impasse is not resolved sixty days prior to budget submission, or if the Mediator requests it, PERC shall appoint a Special Master. The parties may together choose their own Special Master which PERC will then appoint. The Special Master conducts hearings and will make recommendations for resolution.

7. The parties meet together and stipulate the issues that should be presented to the Special Master.

8. All hearings before a Special Master are public. The Special Master conducts hearings, hears the evidence, and prepares a recommended decision. Unless one of the parties formally rejects the recommendations (or one of them) within fifteen days, they will be deemed accepted.

9. If one or more parties formally rejects part or all of the Special Master's recommendations, the President will, within ten days, submit a copy of the findings and recommendations to the legislature with his recommendations for settlement. The employee organization may also submit recommendation.

10. The Legislature will then conduct a public hearing where the parties will explain positions. The Legislature will then decide the issue.

PART 6: Registration and Financial Reporting by Employee Organizations

1. Every employee organization will adopt a constitution and by-laws prior to requesting recognition by a public employer or prior to petitioning PERC for a representative election. The organization will submit a registration form ten days prior to requesting employer recognition. If the organization is not registered with PERC, they cannot be recognized.

2. Every registered employee organization must file a financial report with PERC yearly within ninety days after the fiscal year close.

PART 7: Review and Approval of Provisions and Procedures Established by Local Option

1. A local political subdivision may develop its own procedures for collective bargaining and file this with PERC. Any employee organization may object within fifteen days. PERC will conduct a hearing to determine if appropriate.

2. A petition to review the question of whether provisions of a local government are substantially equivalent to the Act and regulations may be filed with PERC by any person.

PART 8: Miscellaneous Provisions

1. This part discusses rules for PERC meetings.

PART 9: Construction of Rules; Effective Date

1. Regulations may be waived by PERC in exceptional cases.

UNIVERSITY OF CALIF.
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INFORMATION

APPENDIX C

HOW COLLECTIVE BARGAINING WORKS

1. The Organization Phase

   a. Organizations register with PERC.

   b. Organizations campaign for employee support and attempt to convince employees that bargaining is needed.

2. The Recognition Phase

   a. Organizations request employer recognition or election (showing of interest).

   b. An election may be conducted.

   c. PERC certifies successful organization to bargain for everyone in the unit.

3. The Bargaining Phase

   a. The president or his agent meets with employee agent.

   b. Employee agent presents proposals. Administration agent presents counter proposals.

   c. The contract is finally agreed upon.

   d. The Board of Trustees and the majority of employees in the unit must approve.

   e. If approved, the contract is implemented.

4. The Contract Phase

   a. All personnel must strictly follow contract.

   b. Deans, department heads, and first-line supervisors are primarily responsible for contract enforcement.

   c. Organization representatives in each area enforce the contract for the employees and assist in grievances.

   d. Administration and faculty lines are clearly drawn and work conditions are clearly defined.

   e. The contract is re-negotiated every one to three years.